TIPPECANOE COUNTY COUNCIL REGULAR MEETING AUGUST 13, 2002

The Tippecanoe County Council held its regular meeting on Tuesday, August 13, 2002 at 2:05 P.M. in the Tippecanoe Room in the County Office Building. Council members present were: Jeffrey Kessler, Margaret K. Bell, Jeffrey A. Kemper, Kathy Vernon, and Ronald L. Fruitt; Auditor Robert A. Plantenga, Attorney Douglas J. Masson, and Secretary Pauline E. Rohr. (President David S. Byers and Vice President Connie Basham were absent.)

In the absence of the President and Vice President, Councilmember Kemper called the meeting to order and led the Pledge of Allegiance. He then called upon Trey Garner, former Pastoral Intern at Faith Baptist Church, to offer a prayer.

APPROVAL OF MINUTES

- Councilmember Fruitt moved to approve the minutes of the July 9, 2002 Working Session as distributed, seconded by Councilmember Kessler; motion carried.
- Councilmember Vernon moved to approve the minutes of the July 9, 2002 Regular Meeting as distributed, seconded by Councilmember Kemper; motion carried.

FINANCIAL STATEMENT: Auditor Robert Plantenga

Auditor Plantenga reported the 2002 uncommitted County General Funds through July 31, 2002 are \$330,498.15. He expects to need approximately \$187,000 of uncommitted funds to carry over to 2003.

INTEREST STATEMENT: Treasurer Oneta Tolle

The average interest rate for June 2002 increased to 1.62%. The average interest rate for MBIA for June 2002 increased to 1.80%. Mrs. Tolle reported that the Commissioners have entered into a contract with Atlas Collections, Inc. to collect delinquent Personal Property Taxes for the past five years. Delinquent Personal Property Taxes totaling \$30,000 have been collected by the Treasurer's Office.

SIA UPDATE: General Counsel Tom Easterday

Mr. Easterday reported SIA reached the 1 million production mark for both Isuzu and Subaru in 2002 and the new Baja was introduced in July. The new Engine Plant, at a cost of approximately \$46 million was completed and 118 associates are employed. He noted that these 118 employees are not new as anticipated but were transferred from the SUV side due to declining sales in the SUV market. So far SIA has been able to avoid layoffs by cutting the number of shifts to one, moving some associates to the car side, shortening the work week, reducing the number of temporary workers, and forming a labor pool of associates.

CLERK: Betty Michael

ADDITIONAL APPROPRIATION: \$16,536.00

15,360.00 Part-time

1,176.00 Social Security

Mrs. Michael reduced her request to \$12,000, but said all the courts will suffer if an appropriation is not approved.

• Councilmember Kessler moved to approve \$10,000 for Part-time and \$765.00 for Social Security, seconded by Councilmember Fruitt; motion carried.

COURT SERVICES: Mental Health Substance Abuse Fund 07: Director Cindy Houseman

ADDITIONAL APPROPRIATION: \$34,030.00

13,105.00 Evaluator

11,549.00 Case Manager

1,887.00 Social Security

1,172.00 Retirement

5,454.00 Health Insurance

863.00 Workman's Comp

 SALARY ORDINANCE
 Position
 Rate
 Salary

 Full Time
 Evaluator
 1,310.50
 13,105.00

 Case Manager
 1,154.83
 11,549.00

Mrs. Houseman requested funding approval for the remainder of 2002 for the Drug Evaluator position that will be paid from Fund 07 but will be equally split between Court Services and Cary Home. She also requested funding approval for an additional Case Manager position contingent on the creation of the position by the Commissioners.

Auditor Plantenga pointed out that at last Thursday's Working Session Commission President Knochel advised against appropriating the funding before the position is created. Councilmember Kemper admitted that the Council has proceeded this way in the past but asked the Attorney for his opinion. Attorney Masson said he thought there could be a problem with allocating money for a position that isn't there yet.

Councilmember Fruitt moved to approve the appropriation of \$13,105.00 for the Evaluator, \$1,003.00 for Social Security, \$623.00 for Retirement, \$2,727.00 for Health Insurance, and \$459.00 for Workman's Comp, seconded by Councilmember Vernon; motion passed 4 – 0 with Councilmember Kessler abstaining.

- Councilmember Vernon moved to approve the Salary Ordinance for the Evaluator position, seconded by Councilmember Fruitt; motion passed 4 – 0 with Councilmember Kessler abstaining.
- There was no motion for the Case Manager position.

RESOLUTION 2002-27-CL: Approving Lease of Facilities by Court Services

Attorney Masson read the Resolution:

(quote)

RESOLUTION NO. 2002-27-CL RESOLUTION OF COUNTY COUNCIL APPROVING LEASE OF FACILITIES

WHEREAS, The Board of Commissioners of Tippecanoe County, after Notice and Hearing, adopted Resolution No. 2002-26-CM finding the necessity of providing additional office space and facilities for Tippecanoe County Court Services programs pursuant to a proposed addendum to the Lease Agreement for the lease of office facilities located at 117 N. 14th (sic) Street, Lafayette, Indiana from Eastside Square, LLC; and

WHEREAS, the Tippecanoe County Council finds that the provision of such additional office space and facilities for the provision of Tippecanoe County Court Services programs is needed.

NOW THEREFORE BE IT RESOLVED, that the proposed addendum to Lease Agreement between the Tippecanoe County Board of Commissioners and the Tippecanoe County Court Services as Lessee and Eastside Square, LLC as Lessor for the provision of office space and facilities for the Tippecanoe County Court Services programs be and the same is hereby approved.

PASSED AND ADOPTED this	day of, 2002.	
	TIPPECANOE COUNTY COUNCIL	
	David S. Byers, President	
	Connie Basham, Vice President	
	Jeffrey Kessler	
ATTEST:	Margaret K. Bell	
	Jeffrey A. Kemper	
Robert A. Plantenga, Tippecanoe County Auditor	Kathy Vernon	
rippoduiso County reduces	Ronald L. Fruitt	
(unquote)		

Attorney Masson explained that, by Statute, the Council is required to approve a lease.

• Councilmember Fruitt moved to approve Resolution 2002-27-CL, seconded by Councilmember Vernon; motion passed 4 – 0 with Councilmember Kessler abstaining.

CASA: Indiana Criminal Justice Institute Grant 44: Assistant Director Connie Schneck

ADDITIONAL APPROPRIATION: \$14,189.00

13,180.00 Part-time 1,009.00 Social Security

SALARY ORDINANCE Position Rate
Part-time Data Processing Mgr 11.00/hr
Special Project Coord 11.50/hr

Mrs. Schneck explained that these positions will be funded from a one year Indiana Criminal Justice Institute Grant. The Data Processing Manager portion of the funding will be added to the current CASA part-time clerical staff position. This person will keep the data up to date and help to evaluate the needs of the children. The Special Projects Coordinator will focus on cases involving children under twelve months of age with young first time mothers. There were 14 abuse cases in this age category in 2001. Mrs. Schneck said the Commissioners have said the Special Projects Coordinator will not become a permanent position.

- Councilmember Kessler moved to approve the Additional Appropriation of \$14,189.00 for the two part-time CASA positions, seconded by Councilmember Bell; motion carried.
- Councilmember Kessler moved to approve the Salary Ordinance, seconded by Councilmember Bell; motion carried.

SUPERIOR COURT III: Judge Loretta Rush

ADDITIONAL APPROPRIATION: \$3,200.00

3,200.00 Translator

Judge Rush explained she has a \$70.00 balance in the Translator line item and is holding bills totaling approximately \$1,000.00. Because she sees some of the parents multiple times, she said she orders non-English speaking parents to take English as a second language.

• Councilmember Kessler moved to approve the appropriation of \$3,200.00 for Translator, seconded by Councilmember Vernon; motion carried.

REDUCTION OF APPROPRIATION: \$14,500.00

14,500.00 Institutional Care

Judge Rush requested a reduction in the Institutional Care line item to help cover the cost of the JAMS Program at Cary Home for the remainder of the year. The Judge's request will be followed by an Additional Appropriation request of the same amount by Cary Home. Judge Rush said JAMS is an alternative to the Boys' and Girls' Schools that charge \$80.00 per day for our juveniles.

Auditor Plantenga interjected that Judge Rush's request can be lowered to \$14,233.00 due to calculation corrections to the Cary Home request.

Social Security should be \$857.00

Retirement should be \$532.00

Workman's comp should be \$0.00 (the Commissioners pay this)

• Councilmember Kessler moved to approve the reduction of \$14,233.00 from Institutional Care, seconded by Councilmember Vernon; motion carried.

CARY HOME: Director Rebecca Humphrey

ADDITIONAL APPROPRIATION: \$14,500.00

6,982.00 Juv En/Treatment Coord

4,209.00 Juv En/Treatment Specialist

798.00 Social Security

496.00 Retirement

1,653.00 Health Insurance

365.00 Workman's Comp

This appropriation will help fund the JAMS program at Cary Home for the remainder of the year.

 Councilmember Kessler moved to approve \$6,982.00 for Juv En/Treatment Coord., \$4,209.00 for Juv En/Treatment Specialist, \$857.00 for Social Security, \$532.00 for Retirement, and \$1,653.00 for Health Insurance for a total of \$14,233.00, seconded by Councilmember Vernon; motion carried.

CARY HOME: 2001 Annual Report

Following are highlights of the 2001 Annual Report:

- * 2,005 juveniles with an average age of 14.4 were served.
- * 91.7% success rate (discharged to less restrictive placements)
- * 8 runaways
- * 5 restraints
- * 21 juveniles served by JAMS
- * Therapists conducted 565 group therapy sessions, attended 100 court hearings, and held 36 case conferences
- * 48 parents participated in Education and Support Group Sessions
- * 84 juveniles participated in tutoring (increased grades and school attendance while at Cary Home)
- * \$49,465.63 received in grants (most for JAMS)

The 2002 Receipts total \$430,143.05 which is 59% of the estimated 2002 revenue of \$728,700.00. The 2002 Statistical Report shows the average daily census for the Residential Unit is 5.4.

SHERIFF: County Misdemeanant Fund 79

ADDITIONAL APPROPRIATION: \$98,901.00

23,901.00 Uniforms & Clothing

50,000.00 Medical

25,000.00 Supplies

This is an annual amount received from the State for housing Misdemeanants that must be appropriated before it can be spent by the Sheriff's Department.

• Councilmember Kessler moved to approve the appropriation of \$98,901.00, seconded by Councilmember Bell; motion carried.

SHERIFF: 2002 Compensation Agreement

This Agreement continues the compensation agreed upon for 2002 for Sheriff Murtaugh. Following Sheriff Murtaugh's resignation, William "Smokey" Anderson was appointed on March 8, 2002 to fill that position. This Agreement, in the amount of \$97,594.00, is effective from that date through December 31, 2002.

(quote)

COMPENSATION AGREEMENT IN LIEU OF STATUTORY FEES BETWEEN WILLIAM "SMOKEY" ANDERSON AND THE COUNTY OF TIPPECANOE, STATE OF INDIANA

WHEREAS, the office of the County Sheriff in the State of Indiana is regulated by IC 36-2-13-1 et seq.; and

WHEREAS, IC 36-2-13-2.8 provides an alternative method by which to compensate county sheriffs; and

WHEREAS, such alternative method provides a financial benefit to the citizens of Tippecanoe County and fairly compensates the sheriff on a fixed basis; and

WHEREAS, the County of Tippecanoe, State of Indiana ("County") entered into a contract with the then duly elected Sheriff of Tippecanoe County, David R. Murtaugh, effective as of January 1, 1999 providing for an annual salary for the Tippecanoe County Sheriff in lieu of the Sheriff's obtaining a salary and the statutory fees authorized by IC 6-8.1-8-3 and IC 36-8-10-7, and

WHEREAS, said contract was amended annually through and including the Third Amendment to Compensation Agreement entered into by and between Tippecanoe County of the

State of Indiana and then Sheriff David R. Murtaugh as Sheriff of Tippecanoe County extending said contract for the period from January 1, 2002 to December 31, 2002 and providing for an annual salary to be paid to the Sheriff of Tippecanoe County, State of Indiana in the amount of Ninety-Seven Thousand Five Hundred Ninety-Four Dollars (\$97,594.00) for fiscal year 2002, and

WHEREAS, upon the resignation of then Sheriff David R. Murtaugh, William "Smokey" Anderson ("Anderson") was appointed to fill Sheriff Murtaugh's unexpired term as Sheriff of Tippecanoe County.

WHEREAS, the County of Tippecanoe and Sheriff William "Smokey" Anderson desire to enter into an agreement for compensation of the Tippecanoe County Sheriff for the remainder of fiscal year 2002.

NOW, THEREFORE, in consideration of the mutual covenants and conditions recited herein, the parties agree as follows:

- 1. Anderson shall assign to and deposit into the County General Fund any and all fees to which he is entitled, or become entitled, pursuant to IC 36-2-13-2.8, including without limitation thereby the fees described in IC 6-8.1-8-3 during the term of this Agreement, and the County, in accordance with IC 36-2-13-2.8(b) shall make an appropriation from the County General Fund for feeding prisoners.
- 2. That in consideration of Anderson's assignment and deposit of the above recited monies into the County General Fund, the County, by and through its Council, shall fix and establish a salary ordinance in favor of Anderson.

Further, Anderson shall be entitled to all other medical, retirement, disability, and other benefits as heretofore established by the County on Murtaugh's behalf, and such benefits shall be continued during the term of this agreement and shall be in addition to and not considered a part of, the salary formula established herein.

- 3. That neither the assignment nor deposit of monies by Anderson into the County General Fund shall be construed so as to relieve Anderson of any duties or responsibilities which are imposed upon him by IC 6-8.1-8-3 or 36-8-10-7.
- 4. Anderson shall execute and deliver, subject to the approval of his attorney, to the County such documents as may be required by the County to effectuate the terms of this Agreement.
 - 5. The term of this Agreement shall be from the date of Anderson's appointment, March 8, 2002, through and including December 31, 2002.
- 6. The method and manner of deposits to the General Fund by Anderson shall be made on such terms and at such times as the parties shall agree in order to effectuate an efficient procedure.

Anderson shall maintain all necessary records and reports, and in such form and manner as prescribed by the State Board of Accounts, and shall provide such information to the County within a reasonable period after for the same is made.

- 7. This Agreement may terminate by any of the following means:
- (a) Expiration of the term without an extension or renewal by the parties;
- (b) Resignation, removal, or failure of Anderson to assume the Office of Tippecanoe County Sheriff,
- (c) In the event Anderson should die in office, he should be entitled to such benefits of the salary established hereunder through date of death, and to such other benefits as are otherwise provided by the County Salary Ordinance for the duly elected county sheriff.
- 8. In the event any provision, section, paragraph, clause or other portion of this Agreement should be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall remain in full force and effect, if such provisions can, without the invalid provision or provisions, be given the effect intended by the parties hereto.
- 9. This Agreement shall be interpreted under the laws of the State of Indiana.

10. Anderson shall be paid an aliquot portion of the annual salary of Ninety-Seven Thousand Five Hundred Ninety-Four Dollars (\$97,594.00) for fiscal year 2002 equal to the portion of such annual salary that Anderson's number of days of service as Sheriff of Tippecanoe County during fiscal year 2002 bear to the total number of days in such fiscal year.

IN WITNESS WHEREOF, the parties hereto set their respective hands as of the ______, 2002.

TIPPECANOE COUNTY SHERIFF

/s/William "Smokey" Anderson Sheriff of Tippecanoe County

TIPPECANOE COUNTY COUNCIL

David S. Byers, President

Connie Basham, Vice President

Margaret K. Bell

Ronald L. Fruitt

Jeffrey A. Kemper

Jeffrey Kessler

Kathy Vernon

BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY

/s/John L. Knochel, President /s/KD Benson, Vice President /s/Ruth E. Shedd, Member

ATTEST:

/s/Robert A. Plantenga, Auditor

APPROVED AS TO FORM:

/s/David W. Luhman
Tippecanoe County Attorney

(unquote)

 Councilmember Kessler moved to approve the 2002 Compensation Agreement for Sheriff William "Smokey" Anderson, seconded by Councilmember Vernon; motion carried.

COUNTY ASSESSOR

ADDITIONAL APPROPRIATION: \$402.00

402.00 Office Supplies

A bill for Office Supplies was inadvertently paid from the County Assessor's General Fund Budget instead of the Reassessment Fund Budget. A claim has been written from the Reassessment Fund to repay the General Fund and this request will put money back into the General Fund line item.

 Councilmember Fruitt moved to approve the Additional Appropriation, seconded by Councilmember Vernon; motion carried.

BUILDING PERMITS: Building Commissioner Ron Highland

ADDITIONAL APPROPRIATION: \$5,000.00

5,000.00 Travel

Mr. Highland reduced his request to \$2,000.00 which he thinks will carry this line item until the end of the year. With an average of twelve (12) to fifteen (15) inspections per day, he said the three (3) Inspectors average 5,000 miles per month. According to a recent report, he said this line item has a balance of \$8,866.

With a balance of \$8,866.00, Councilmember Kemper suggested that Mr. Highland come back in October or November if he still needs additional funds at that time. Councilmember Kessler agreed this would be consistent with the Council's advice to other departments.

110.00

Mr. Highland expressed his dissatisfaction with waiting until November in case there are not sufficient funds at that time for an appropriation. He said the Inspectors won't work for two months without reimbursement for this gas expense.

In response to Councilmember Vernon's question about the rate used, Auditor Plantenga explained the County's Travel Policy uses the IRS Reimbursable rate that is currently 35.6 cents per mile and based on their calculation of the cost to operate a vehicle. Since this rate adjusts itself, the County does have to continually change the Travel Policy to specific amount.

There was no motion.

SUPERIOR COURT: Bailiff Kelly Davis

ADDITIONAL APPROPRIATION: \$29,779.00

15,000.00 Overtime 12,000.00 Part-time 2,066.00 Social Security 713.00 Retirement

Ms Davis reduced the Overtime request to \$10,500.00 and the Part-time request to \$8,400.00. Although both line items are currently out of money, she hopes the additional funds will be sufficient until the end of the year.

Auditor Plantenga noted the corresponding reductions in benefits:

Social Security can be reduced to \$804.00 for Overtime and to \$643.00 for Part-time. Retirement can be reduced to \$499.00 for Overtime.

Councilmember Kessler moved to approve \$10,500.00 for Overtime, \$8,400.00 for Parttime, \$1,447.00 for Social Security, and \$499.00 for Retirement, seconded by Councilmember Fruitt; motion carried.

TRANSFER: \$3,340.00				
From:	01-441-322220	Central Law Library	3,340.00	
To:	01-41-171500	Overtime	2,300.00	
	01-41-171600	Part-time	700.00	
	01-41-182100	Social Security	230.00	

Ms Davis explained that money is available in the Central Law Library line item due to a change from Westlaw to Lexis Nexus which is cheaper.

Retirement

Councilmember Kessler moved to approve the Transfer, seconded by Councilmember Bell; motion carried.

HEALTH: Indiana Master Tobacco Settlement Agreement Fund 23

ADDITIONAL APPROPRIATION: \$11,528.00

01-41-182200

7,222.00 Part-time 553.00 Social Security 253.00 Workman's Comp 500.00 Travel & Training 3,000.00 Capital Equipment

This request will fund a part-time nurse/epidemiologist to collect and disseminate health related data. Auditor Plantenga explained the Capital Equipment request is to purchase a computer.

Councilmember Vernon moved to approve the appropriation for Fund 23, seconded by Councilmember Kessler; motion carried.

SALARY ORDINANCE	Position	Rate	<u>Salary</u>
Part-time	Nurse/Epidemiologist	20.06/hr	

Councilmember Fruitt moved to approve the Salary Ordinance, seconded by Councilmember Bell; motion carried.

SUPERIOR COURT 5: Jury Pay Fund 161

ADDITIONAL APPROPRIATION: \$10,000.00

10,000.00 Jury Expense

• Councilmember Vernon moved to approve an additional \$10,000 from Jury Pay Fund 161, seconded by Councilmember Bell; motion carried.

COMMISSIONERS: Cum Cap Fund 16

ADDITIONAL APPROPRIATION: \$53,000.00

45,000.00 TCOB/CH Improvements 8,000.00 Capital Outlay/Contingency

The Commissioners approved the amendment to the Cum Cap Plan on July 1, 2002 to allow these expenditures and the Council endorsed that by approving Resolution 2002-23-CL at the July 9, 2002 meeting.

 Councilmember Kessler moved to approve the appropriation of \$45,000.00 for TCOB/CH Improvements and \$8,000.00 for Capital Outlay/Contingency from Cum Cap Fund 16, seconded by Councilmember Fruitt; motion carried.

COMMISSIONERS: EDIT Fund 15

TRANSFER: \$5,621.00

From:	15-34-400200	Fincl/Payroll/HR	5,621.00
To:	15-34-171500	Overtime	5,000.00
	15-34-182100	Social Security	383.00
	15-34-182200	Retirement	238.00

This Transfer is requested to pay anticipated Overtime associated with the new PARIS Software (Financial/Payroll/Human Resources).

• Councilmember Kessler moved to approve the Transfer, seconded by Councilmember Vernon; motion carried.

HIGHWAY: Local Road & Street Fund 02

REDUCTION OF APPROPRIATION: \$220,000.00

220,000.00 CR 200 S

ADDITIONAL APPROPRIATION: \$220,000.00

50,000.00 CR 200 N 40,000.00 S River Rd 130,000.00 Railroads

Funding from the CR 200 S Project in Local Road & Street Fund 26 is being reduced to fund other projects in the same fund.

- Councilmember Kessler moved to approve the Reduction of Appropriation, seconded by Councilmember Bell; motion carried.
- Councilmember Kessler moved to approve the Additional Appropriation, seconded by Councilmember Vernon; motion carried.

OTHER BUSINESS

Councilmember Fruitt distributed copies of the Villa's requested 2003 Budget.

Auditor Plantenga announced a Public Hearing will be held at 10:30 A.M., Friday, August 16, 2002 in the Indiana Supreme Court courtroom on the third floor of the State House in Indianapolis regarding the proposed mandate of salary increases for Probation Officers in 2004. He said anyone interested in speaking about this issue needs to notify them in advance. He submitted a letter stating the County Council's opposition to the mandate for Councilmembers to sign if they wish.

PUBLIC COMMENT

Dennis Carson, CDC (Community Development Corporation) Vice President, distributed a Financial Statement for the CDC from December 31, 2002 through July 10, 2002 as requested by the Commissioners and County Council. He announced a Progress Update of the CDC will be held at 2:00 P.M., Monday, August 19, 2002 at the Swezey Commerce Center.

OTHER BUSINESS continued

Councilmember Kemper reminded the Councilmembers that the 2003 Budget Hearings will begin at 8:00 A.M., Monday, August 26, 2002.

At a meeting earlier today, Financial Consultant Greg Guerrettaz suggested appealing for an Excess Levy to cover additional costs accrued because of additional security at the Courthouse. If the Council chooses to pursue this avenue, Auditor Plantenga said it is too late to advertise this intent for the 2003 Budget Hearings since we are required to advertise two times with the second advertisement 10 days prior to the meeting. He said it might be necessary to hold a special meeting in September.

Councilmember Kessler recollected that, if an Excess Levy is approved by the State, it will be up to the County Council to act on it. Auditor Plantenga concurred and said the Excess Levy can be under the Maximum Levy but it will give the Council some leeway to raise the tax rate to that point. He pointed out that additional security is not one of the reasons a County can appeal for an Excess Levy. He said we could try to hook it onto the new court but he thinks it would be a stretch.

MEETING DATES: Tippecanoe Room, County Office Building

- 2003 Budget Hearings begin at 8:00 A.M., Monday, August 26, 2002 and continue until completed.
- The Council Working Session will be held at 2:00 P.M., Thursday, September 5, 2002.
- A Joint meeting with the Commissioners and Greg Guerrettaz will be held at 12:30 P.M., Tuesday, September 10, 2002.
- The County Council Regular Meeting will be held at 2:00 P.M., Tuesday, September 10, 2002.

ADJOURNMENT

There being no further business, the meeting adjourned.

Robert A. Plantenga, Auditor

TIPPECANOE COUNTY COUNCIL

David S. Byers, President

Connie Basham, Vice President

Margaret K Bell

Robert A. Plantenga, Auditor

Monald L. Fruitt

Jeffrey A. Kemper

Kathy Vernon